

COMMITTEE ON LEGISLATIVE RESEARCH  
 OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4129-01  
Bill No.: HB 1771  
Subject: Crimes and Punishment; Emergencies; Health Department; Public Health.  
Type: Original  
Date: April 2, 2002

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Legal Expense *	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on <u>All</u> State Funds *</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

\* Could exceed \$100,000 in any given year.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

**FISCAL ANALYSIS**

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** state that, currently, they cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY01 average of \$35.78 per inmate, per day or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender, per day or an annual cost of \$1,219 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Officials from the **Office of Administration - Risk Management** state, as the proposal is currently written, the Legal Expense Fund would be made available for the payment of any claim or final judgement resulting from volunteers who response to emergencies at the request of the state or local agencies. Cost impact is unknown. Written in this broad context, one significant claim could potentially expose the Fund to costs. However costs cannot be fully determined at this time and we must defer the legal intpretation and cost impact to the Office of the Attorney General.

Officials from the **Department of Health and Senior Services (DOH)** state this legislation would not be expected to significantly impact the operations of their agency. DOH states that if the proposal were to substantially impact their programs, then they would request funding through the legislative process.

Officials from the **Office of the State Public Defender** state, for purposes of this proposed legislation, that existing staff could provide representation for those cases arising where indigent persons were charged with refusing to cooperate with health officials - a class A misdemeanor, if during an "emergency" then a class D felony. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

### ASSUMPTION (continued)

Officials from the **Office of the Attorney General (AGO)** assumes that costs of this legislation

could be absorbed with existing resources, although the AGO anticipates some additional costs to defend the State Legal Expense Fund as a result of potential liability arising from an emergency.

Officials from the **Office of Prosecution Services** assume that costs arising as a result of this proposal could be absorbed with existing resources.

Officials from the **Office of the Governor, Office of the State Courts Administrator**, and the **Department of Public Safety** - Divisions of the **State Emergency Management Agency** and the **Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

In response to similar legislation from this year (SCS for SB 712), officials from the **Boone County Health Department (Boone County)** stated if the DOH does not delegate the responsibilities of the proposed legislation to the local county health departments, the legislation will not have a fiscal impact on them. However, if responsibilities are delegated, the local public health capacity is insufficient to prepare to meet all responsibilities outlined in the proposed legislation. Infrastructure enhancements would be required each year. Boone County officials stated that 2.5 FTE would be needed to improve local capacity for preparedness (1 FTE - Epidemiologist/Disease Investigator; 1 FTE - Public Health Emergency Planner; 0.5 FTE Administrative Support Assistant I) plus supplies, travel and training, and communications equipment. Total costs were projected to be \$43,033 for FY 03 (3 months); \$130,157 for FY 04; and \$136,665 for FY 05.

In response to similar legislation from this year (SB 1000), officials from the **Clay County Public Health Center** assumed that additional costs (including 2 FTE) would be required as a result of this proposal. They estimated cost totals of \$11,000 in FY 2003 and \$86,000 each year thereafter for training, surveillance, and the requested additional FTE.

**Oversight** assumes this proposal would required an unknown amount of costs associated with training, communication, equipment, personnel, supplies, and surveillance at the local health department level. Oversight has reflected this as a negative unknown fiscal impact to the local authorities.

FISCAL IMPACT - State Government

FY 2003

FY 2004

FY 2005

**GENERAL REVENUE**

<u>FISCAL IMPACT - State Government</u>	FY 2003	FY 2004	FY 2005
<u>Costs</u> - Department of Corrections for supervision / incarceration	(Less than <u>\$100,000</u> )	(Less than <u>\$100,000</u> )	(Less than <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b>(LESS THAN <u>\$100,000</u>)</b>	<b>(LESS THAN <u>\$100,000</u>)</b>	<b>(LESS THAN <u>\$100,000</u>)</b>

#### **LEGAL EXPENSE FUND**

<u>Costs</u> - Potential claims or judgments for volunteers to emergencies *	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT TO THE LEGAL EXPENSE FUND *</b>	<b>\$0 TO (UNKNOWN)</b>	<b>\$0 TO (UNKNOWN)</b>	<b>\$0 TO (UNKNOWN)</b>

\* Could exceed \$100,000 in any given year.

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>LOCAL HEALTH DEPARTMENTS</b>			
<u>Costs</u> - various costs associated with implementing the proposal	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT TO THE LOCAL HEALTH DEPARTMENTS</b>	<b>(UNKNOWN)</b>	<b>(UNKNOWN)</b>	<b>(UNKNOWN)</b>

#### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

#### DESCRIPTION

The proposal;

RS:LR:OD (12/00)

- (1) Contains a definition for "bio-terrorism" and includes the definition under the existing definition for "disasters." The term "imminent threat" is included under the existing definition for "emergency";
- (2) Exempts the state, political subdivisions, the Governor, and other specified persons from liability for the death or injury of a person or from damage to property resulting from an emergency. The exemption does not apply to cases of gross negligence or willful misconduct;
- (3) Provides immunities from civil liability for persons, firms, corporations, and other specified individuals who render assistance during an emergency;
- (4) Adds volunteers who respond to emergencies to the list of persons covered by the State Legal Expense Fund;
- (5) Requires all licensed pharmacists to report to the Department of Health and Senior Services (the department) any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be potential causes for an emergency;
- (6) Requires all veterinarians, veterinarian diagnostic laboratories, and livestock owners to report to the department any animal having or suspected of having an illness, disease, or health condition identified as a potential cause of an emergency;
- (7) Requires all out-of-state laboratories that collect specimens in Missouri to report to the department any case involving persons who have any illness or health condition that may be a potential cause of an emergency;
- (8) Amends Section 192.320, RSMo, pertaining to the authority and duties of the department by adding language pertaining to medical examinations for infectious or communicable diseases, violations of isolation and quarantine orders issued by the department, mandatory reporting of infectious or communicable diseases, and refusing to cooperate with the department during a disease outbreak;
- (9) Contains penalty provisions for persons who violate Section 192.320 during an emergency or during a non-emergency period. Persons who violate Section 192.320 during an emergency will be guilty of a class D felony. Persons who violate Section 192.320 during a non-emergency period will be guilty of a class A misdemeanor;
- (10) Allows the Attorney General to file suit in circuit court for injunctive relief pertaining to Section 192.320, the authority and duties of the department;

DESCRIPTION (continued)

(11) Allows the department to waive the registration and record-keeping requirements of the Narcotic Drug Act during an emergency if the department determines that the waiver is in the best interests of the public's health;

(12) Revises a provision pertaining to the application of letters of administration upon a missing person or a decedent's estate. Language is added pertaining to a specific peril of death due to an actual or suspected terrorist event; and

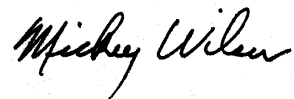
(13) Revises the provision pertaining to the presumption of death. A person exposed to a specific peril of death can be a sufficient cause for determining that the person died after the exposure and less than five years after the date of the person's absence.

This proposal has an emergency clause

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Public Safety  
Governor's Office  
Attorney General's Office  
Office of Administration  
Department of Health and Senior Services  
Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Corrections  
Boone County Health Department  
Clay County Public Health Center



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